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C O N F I D E N T I A L CANBERRA 001290

SIPDIS

DEPARTMENT FOR PM/WRA KATHERINE BAKER AND SHO MORIMOTO

E.O. 12958: DECL: 12/16/2018
TAGS: [PARM](#) [MOPS](#) [PREL](#) [AS](#)
SUBJECT: AUSTRALIA CLARIFIES CLUSTER MUNITIONS ISSUES FOR
EMBEDDED PERSONNEL

REF: A. CANBERRA 01201
[1](#)B. STATE 125625
[1](#)C. STATE 125608
[1](#)D. STATE 125512

Classified By: Acting Political Section Chief W. Davies Sohier for reasons 1.4(b) and (d)

[1](#)1. (C/NF) Gerry McGuire, Director, Arms Control and Counter-Proliferation Branch, Department of Foreign Affairs and Trade (DFAT), confirmed Australia's interpretation of Article 21 of the Convention on Cluster Munitions (CCM) in a follow-up meeting held December 17. McGuire advised that Australian military personnel will be prohibited under the CCM from physically deploying cluster munitions as defined in the CCM. He further advised that Australian military personnel embedded with U.S. forces will be able to generally engage in tactical planning, except where such participation amounts to an express request to physically deploy cluster munitions as defined in the CCM, and the choice of munitions used was within the exclusive control of the Australian military personnel.

[1](#)2. (C/NF) McGuire further advised that "From a policy perspective, Australia would strongly wish to avoid any limitations on ADF involvement in tactical planning with US forces. These issues may need to be considered further as Australia's ratification process of the Convention on Cluster Munitions progresses." McGuire informed Poloff that he is drafting a National Interest Analysis (NIA) for the Minister to deliver to Parliament's Joint Standing Committee on Treaties (JSCOT). JSCOT will table the CCM and NIA for 20 days of joint Parliamentary sessions, during which time Members of Parliament may raise questions and issues on interpretation and implementation of the CCM.

[1](#)3. (C/NF) McGuire indicated that once the treaty has been ratified, DFAT recommends that all implementation discussions be conducted Mil to Mil. In addition, the GOA suggests that a meeting between the U.S. and its allies/partners would be useful to ensure a common understanding of the practical application of Article 21.

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